

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

JOHN DAUENHAUER)

Defendant(s))

Case No. 5:18-mj-320 (DEP)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of between March 2017 and June 2018 in the county of Onondaga in the Northern District of New York the defendant(s) violated:

Code Section
 18 U.S.C. § 2252A(a)(5)(B)
 18 U.S.C. § 2252A(a)(1)

Offense Description
 Knowingly Possessing Child Pornography
 Knowingly Transporting Child Pornography

This criminal complaint is based on these facts:
 See Attached

☒ Continued on the attached sheet.

Complainant's signature

Sean A. Mullin, Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: June 8, 2018

Judge's signature

City and State: Syracuse, NY

Hon. David E. Peebles, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ONONDAGA) **SS:**
CITY OF SYRACUSE)

Sean A. Mullin, being duly sworn, deposes and states:

1. I am a Special Agent with the Department of Homeland Security (DHS) Homeland Security Investigations (HSI) in Syracuse, New York, and have been employed in this capacity for 15 years. I was previously employed as a Special Agent for the Florida Department of Law Enforcement for 2 years, and as a City of Syracuse Police Officer Detective for 9 years. In my capacity as a federal agent I have investigated criminal violations relating to child exploitation and child pornography, including the illegal distribution, transportation, receipt and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18, United States Code, Section 2256.

2. This affidavit is submitted in support of a criminal complaint charging John DAUENHAUER with illegal transportation and possession of child pornography in violation of Title 18, United States Code, Sections 2252A(a)(1) and 2252A(a)(5)(B).

3. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement personnel, and on my experience and training as a special agent of HSI. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause for the requested criminal complaint.

DETAILS OF THE INVESTIGATION

4. On December 13, 2017 the National Center for Missing and Exploited Children (NCMEC) received two cyber tips from IMGBOX a free image hosting service provider regarding child pornography images being uploaded by the user of e-mail address lukaslover@tutanota.com from the login IP addresses of 45.47.35.108.

5. On December 22, 2017, the New York State Internet Crimes Against Children (ICAC) Task Force began investigating these cyber tips. IMGBOX reported in Cybertip 26120272, that the email address lukaslover@tutanota.com uploaded images consistent with child pornography. A subsequent review of these images revealed that 5 of these images depict child pornography. Specifically, the images depict males in the age range of 12-14 years of age posing in a lewd and lascivious manner and/or engaging in sexual activity with each other and with males that appeared to be older than 16 years of age. These images were uploaded from IP address 45.47.35.108 on March 5, 2017 at 21:48:08 UTC. Your affiant has reviewed the images and they are available for the Court's inspection upon request. Three of these images are described below as follows:

File 40z8qbVU-20171212-13745-1w7pgqw.jpg: This file depicts a male who appears to be under the age of 12 performing oral sex on a prepubescent male who appears to be under the age of 12, while both are manually stimulating another's penis.

File DYTrhfBp-20171212-13745-ixqhip.jpg: This file depicts a prepubescent male who appears to be under the age 12 sitting with his legs spread exposing his erect penis in a lewd and lascivious manner.

File GuUWrUk6-20171212-13745-1ew7uqm.jpg: This file depicts a prepubescent male on his hands and knees exposing his anus and testicles to the camera. The male appears to be less than 13 years of age.

6. The IP address associated with the uploads on March 5, 2017 resolved to Charter Communications. A subpoena issued to Charter Communications revealed on the date/time of the

uploads the subscriber of the IP address was identified to be John DAUENHAUER of 5904 Alban Ct., Liverpool, NY 13090.

7. IMGBOX reported in Cybertip 26121299 that the user lukaslover@tutanota.com uploaded numerous images from IP address 45.47.35.108 which were believed to be consistent with child pornography. A subsequent review of these images revealed that 9 of these images depict child pornography. These images were uploaded on November 24, 2017 at 17:50:16 UTC. Your affiant has reviewed the images and they are available for the Court's inspection upon request. Three of these images are described below as follows:

File QYeL0U6s-20171212-370-1kowliv.jpg: This file contains an image depicting a male who appears to be under the age of 13 manually stimulating himself with the assistance of a sex toy.

File 6P9fclby-20171212-370-1lug250.jpg: This file contains an image depicting a prepubescent male who appears to be under the age of 13 lying on his back while another individual is manually stimulating his erect penis while he ejaculates.

File 5VFsc01f-20171212-370-7k66s.jpg: This file contains an image depicting a pubescent male who appears to be under the age of 16 receiving oral sex from a pubescent male who appears to be under the age of 14.

8. The IP address associated with the uploads on November 24, 2017 also resolved to Charter Communications. A subpoena issued to Charter Communications revealed on the date and time of the uploads the subscriber of the IP address was identified to be John DAUENHAUER of 5904 Alban Ct., Liverpool, NY 13090. An open records check of the residence revealed that John DAUENHAUER is the sole occupant of 5904 Alban Ct., Liverpool, NY 13090, which is a single family trailer/ prefabricated home brown in color.

9. A criminal database record check of the New York State Police Reporting System revealed that DAUENHAUER was convicted on January 28, 2010, of Possessing A Sexual Performance By A Child Less Than 16 Years of Age in violation of New York State Penal Law Section 263.16, a Class E Felony.

10. A search of the Sex Offender registry on June 4, 2018, revealed that John F DAUENHAUER, (11/3/1960) is a registered Level 1 sex offender. The last address on file with the registry is 5904 Alban Ct., Liverpool, NY 13090. This is the same address associated with the subpoena responses from the new uploads of child pornography.

11. A check of the New York State DMV records on June 4, 2018 lists DAUENHAUER's address as 5904 Alban Ct., Liverpool, NY 13090.

12. On June 8, 2018, members of the New York State Police and Homeland Security Investigations executed a state search warrant at 5904 Alban Ct., Liverpool, NY 13090, the residence of John DAUENHAUER. DAUENHAUER was present at the residence at the time of the execution of the search warrant. DAUENHAUER was read his Miranda warnings at which time he stated he understood his rights and was willing to speak with Investigators/Agents without an attorney being present. DAUENHAUER was then transported to the NYSP Police Barracks in Baldwinsville for a video recorded interview.

13. During the interview of DAUENHAUER, DAUENHAUER admitted to uploading and receiving child pornography on the internet via an internet site Tutanota.com and IMGBOX/ IMAGEBAM. DAUENHAUER stated he could not give an exact time frame of his activities but said he uploaded and received child pornography from the internet between January 1, 2018 up to and including June 7, 2018.

14. DAUENHAUER was shown black and white printed photographs of the six previously described files referenced in the Cybertips 26120272 and 26121299. DAUENHAUER admitted to having viewed File DYTrhfBp-20171212-13745-ixqhip.jpg; File 6P9fclby-20171212-370-1lug250.jpg; and File GuUWrUk6-20171212-13745-1ew7uqm.jpg (all as previously described). DAUENHAUER initialed the photographs he identified.

15. During the course of the search warrant, electronic devices were located to include a Sandisk thumb drive. The thumb drive had a pink, handwritten label on it titled "Cute Pics/

Misc” (DAUENHAUER later admitted that the handwriting was his and that he labelled the thumbdrive.) Upon being previewed by NYSP forensic investigators, the thumb drive was found to contain approximately 80 videos depicting child pornography. Your affiant reviewed the videos and they are available for the Court’s inspection upon request. Three of these videos are described below as follows:

A video titled: **2russianboys**: Is a video 4:36 in length, depicting two prepubescent nude males appearing to be under the age of 14. The males are on a bed engaging in oral sex and anal sex.

A video titled: **2FriendJerks**: Is a video 3:05 in length, depicting two pubescent nude males appearing to be under the age of 15. Both males are sitting on a couch masturbating.

A video titled: **2friendoncam**: Is a video 5:02 in length, depicting two prepubescent males, appearing under age the age of 12. The males are laying on a bed, with one male performing oral sex and masturbating the other.

All three files indicate that they were created on March 10, 2018.


Conclusion

Based on the foregoing information, there is probable cause to conclude that John DAUENHAUER has knowingly transported child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, that is, through uploading videos depicting child pornography using the IMGBOX application, in violation of Title 18, United States Code, Section 2252A(a)(1); and has knowingly possessed child pornography that has been transported using any means of interstate and foreign commerce in and affecting such commerce in violation of Title 18, United States Code, Section 2252A(a)(5)(B).



Sean A. Mullin, Special Agent
Homeland Security Investigations

Sworn and subscribed to before me
this 8th day of June 2018.


Hon. David E. Peebles
United States Magistrate Judge